

FILED: January 29, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2132
(2:24-cv-00018-TSK)

KRYSTLE PERRY, individually and on behalf of their minor child K.P.;
ANTHONY PERRY, individually and on behalf of their minor child K.P.

Plaintiffs - Appellees

v.

STACY MARTENEY, in her official capacity as the Virtual Learning Coordinator
of the Upshur County Virtual School; CHRISTINE MILLER, in her official
capacity as Superintendent of the Upshur County School District

Defendants - Appellants

and

THE BOARD OF EDUCATION OF THE COUNTY OF UPSHUR; DR.
MATTHEW CHRISTIANSEN, in his official capacities as the State Health
Officer and Commissioner of the Bureau of Public Health; DOUG CIPOLETTI,
in his official capacity as Executive Director of the West Virginia Virtual School
Academy; BRYAN HOYLMAN, in his official capacity as Chair of the Board of
Directors of Mountain State Learning Solutions, Inc. d/b/a West Virginia Virtual
Academy

Defendants

O R D E R

Upon consideration of appellant's unopposed motion for abeyance, the court grants the motion and places this case in abeyance until W. Va. Code section 16-3-4 is amended or otherwise modified to include a religious exemption pursuant to the Governor's Executive Order.

The parties shall file a status report on February 28, 2025, and every thirty days thereafter and shall notify the court immediately when the code section has been modified.

For the Court

/s/ Nwamaka Anowi, Clerk